

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

KENNI RAYMON ALONZO,

Movant

v.

CIVIL ACTION NO. 2:02-1456  
(Criminal No. 2:00-00130-01)

UNITED STATES OF AMERICA,

Respondent

MEMORANDUM OPINION AND ORDER

Pending are movant's (1) motion to reconsider, alter, or amend the Judgment entered February 27, 2006, and (2) request for a certificate of appealability, submitted March 14, 2006.<sup>1</sup>

As noted, on February 27, 2006, the court entered its Judgment denying movant's motion pursuant to 28 U.S.C. § 2255. Movant seeks to appeal on the same grounds previously presented to the court in his section 2255 motion, namely, that (1) his conviction as to Count I was procured through the knowing use of perjured testimony by witness Ronald Copeland, and

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<sup>1</sup>These motions, along with movant's notice of appeal submitted the same day, do not appear on the docket sheet. Movant apparently misdirected the original copies of the documents to chambers. The original copies, received March 14, 2006, have been transmitted to the Clerk, who is directed to treat each as filed nunc pro tunc on March 14, 2006.

(2) he received ineffective assistance of counsel as a result of his lawyer's failure to raise any objection at trial, post-trial, at sentencing, or on direct appeal, to the putatively perjured testimony. The court found both of these grounds lacked merit because, inter alia, movant did not make the necessary showings under either United States v. Griley, 814 F.2d 967 (4th Cir. 1987) or Strickland v. Washington, 466 U.S. 668 (1984).

The Judgment is not appealable unless a circuit justice or district court judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). An inmate satisfies this standard by demonstrating that reasonable jurists would find that any assessment of the constitutional claims by the district court is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4<sup>th</sup> Cir. 2001).

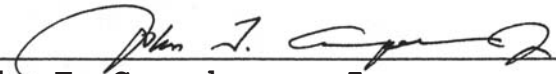
The Judgment was based upon the analysis contained in the memorandum opinion and order that accompanied it. The memorandum opinion and order, along with the proposed findings of

fact and conclusions of law entered by the United States Magistrate Judge, discuss the meritless nature of the movant's contentions. Movant's current filings likewise fail to make the necessary showings under Griley and Strickland. The court, accordingly, concludes that the movant has not demonstrated that reasonable jurists would find the court's resolution of the issues in this case to be either debatable or in error.

Based upon the foregoing, it is ORDERED that movant's motion to reconsider, alter, or amend, along with his request for a certificate of appealability, be, and they hereby are, denied.

The Clerk is directed to forward copies of this written opinion and order to the movant, all counsel of record, and the United States Magistrate Judge.

ENTER: October 6, 2006

  
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John T. Copenhaver, Jr.  
United States District Judge